

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROY NAUGHTON,
COLTER O'DELL, and
GLEN BALDWIN,

Defendants.

NO. CR21-150-JLR

~~PROPOSED~~ AMENDED ORDER
CONTINUING TRIAL DATE AS
TO DEFENDANT NAUGHTON

JLR

THIS matter comes before the Court following a hearing in part related to Defendant Roy Naughton's refusal to file a waiver of speedy trial subsequent to a joint motion to continue the trial and pretrial motions deadlines, granted by this Court on November 10, 2021. Dkt. 44. Trial in this matter is currently set for July 12, 2022; pretrial motions are due May 23, 2022. (Dkt. 44).

The parties sought a continuance of the initial November 29, 2021, trial date citing counsel's need to review and investigate discovery and discuss factual and legal issues of this case with the Defendants. Dkt. 43. In addition to this pending criminal matter, the defendants are held pending trial in the District of Alaska under 3:10CR-00026 TMB-DMS

1 (Dkt. 558), on charges of Racketeering Conspiracy, Violent Crimes in Aid of Racketeering
2 Conspiracy, Kidnapping Conspiracy, Kidnapping Resulting in Death, Murder, Assault. Trial
3 in the District of Alaska is scheduled for February 14, 2022. Dkt. 689.

4 Following the Court's November 10, 2021, Order Continuing Trial, defense counsel
5 for Defendant Naughton filed a Motion to Withdraw. Dkt. 45. The Court granted defense
6 counsel's motion on November 30, 2021, and ordered the appointment of new counsel. Dkt.
7 49. Having thoroughly considered the circumstances surrounding Defendant Naughton's
8 refusal to waive speedy trial, the withdrawal of defense counsel and the necessity for new
9 counsel to be appointed, the Court orders the trial date and pretrial motions deadlines granted
10 on November 10, 2021, to remain in effect. Based on the forgoing, the Court FINDS as
11 follows:

12 1. Judicial economy and efficiency considerations involved in a three
13 codefendant prosecution, coupled with an out of district criminal trial scheduled for February
14 2022, necessitate a trial date of July 12, 2022, a date that constitutes a reasonable period of
15 delay as Defendant Naughton is joined for trial with two codefendants as to whom the time
16 for trial has not run and no motion for severance has been granted. *See* 18 U.S.C. §
17 3161(h)(6).

18 2. The ends of justice served by granting the requested continuance outweigh the
19 best interests of the Defendant and the public to a speedy trial. *See* 18 U.S.C. §
20 3161(h)(7)(A).

21 3. Taking into account the exercise of due diligence, the failure to grant the
22 continuance - particularly in light of the need for new counsel to be appointed - would deny
23 new counsel the reasonable time necessary for effective preparation, *see* 18 U.S.C. §
24 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C. §
25 3161(h)(7)(B)(i).

26 4. The ends of justice will be served by ordering a continuance in this case, as a
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1 continuance is necessary to ensure adequate time for newly appointed defense counsel to
2 review discovery and prepare for trial.


3 Additionally, the Court holds that the duration of this continuance is excluded from
4 the Defendant's speedy trial calculation because it is "a reasonable period of delay" within
5 the meaning of 18 U.S.C. § 3161(h)(6). *See United States v. Messer*, 197 F.3d 330, 337 (9th
6 Cir. 1999).

7 IT IS THEREFORE ORDERED that the trial date remains July 12, 2022, and that the
8 pretrial motions deadline remains May 23, 2022.

9 IT IS FURTHER ORDERED that the resulting period of delay from the filing of this
10 Oder to the July 12, 2022, trial dates is hereby excluded for speedy trial purposes under 18
11 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(i)(iv).
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13 Dated this 1st day of December, 2021.

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JAMES L. ROBART
United States District Judge